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LAW OFFICES  
HALEY BADER & POTTS P.L.C.

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4350 NORTH FAIRFAX DR., SUITE 900

ARLINGTON, VIRGINIA 22203-1633

TELEPHONE (703) 841-0606

FAX (703) 841-2345

E-MAIL: haleybp@haleybp.com

RAFAEL G. PROHIAS  
ADMITTED IN VA AND FL

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

E-MAIL ADDRESS  
rprohias@haleybp.com

September 2, 1997

OUR FILE NO.  
1564-103-63

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: Amendment of Section 73.202(b)  
Table of Allotments  
Naylor, Missouri  
MM Docket No. 97-152  
RM-9102

Dear Mr. Caton:

Transmitted herewith on behalf of B.B.C. Inc. are an original and four copies of its Comments in connection with the above-referenced proceeding.

If there are any questions concerning this matter, please communicate directly with this office.

Very truly yours,

  
Rafael G. Prohias

RGP/ned

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Before the  
**Federal Communications Commission**

Washington, D.C. 20554

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**In The Matter Of**

Amendment of Section 73.202(b)  
Table of Allotments,  
FM Broadcast Stations  
Naylor, Missouri

MM Docket No. 97-152  
RM-9102

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch

**Comments of B.B.C. Inc.**

By Petition for Rulemaking filed April 30, 1997, B.B.C. Inc. ("BBC"), requested the Commission institute a rulemaking proceeding to amend Section 73.202(b) of the Commission's Rules, the Table of FM Allotments, by allocating Channel 260A to Naylor, Missouri, as that community's first aural service. In response, the Commission released a *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned proceeding, proposing the requested change to the Table of Allotments and soliciting the submission of comments by September 2, 1997. See *NPRM*, MM Dkt. 97-152, RM-9102, DA 97-1388.

BBC, through counsel, hereby submits its Comments in response to the *NPRM*. As will be shown below, the proposed rulemaking is consistent with Commission policy and would advance the public interest. Accordingly, the proposed rulemaking should be adopted.

**I. BACKGROUND.**

In its Petition for Rulemaking, hereby incorporated by reference, BBC requested that the Table of Allotments be amended to allocate Channel 260A to Naylor, Missouri. BBC committed that, if the proposed amendment to the Table of Allotments were adopted, it would promptly apply for an authorization to construct the new facility.<sup>1</sup> BBC hereby reaffirms that earlier commitment and, in accordance with paragraph 2 of the Appendix to the *NPRM*, specifically states its intention to apply for Channel 260A if that channel is allotted to Naylor, Missouri, to promptly construct the new facility, place the facility in operation, and to seek a license covering the Naylor facility.

In its Petition for Rulemaking, BBC pointed out that allotting Channel 260A to Naylor would permit Naylor to receive its first local broadcast service, thereby serving the highest of the Commission's allocation priorities.<sup>2</sup> Naylor is an incorporated city with a mayor and city council form of municipal government. Naylor has its own municipal police department and a volunteer fire department. It has its own school — providing education from the Kindergarten through the Twelfth Grade level — and maintains its own library. Finally, Naylor has a post office

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<sup>1</sup> See *BBC Petition* at 3.

<sup>2</sup> *Id.* at 2.

with its own zip code (63953), and is separately listed in the 1990 U.S. Census.

## **II. ALLOCATION OF CHANNEL 260A IS CONSISTENT WITH COMMISSION POLICY AND IS IN THE PUBLIC INTEREST.**

*In Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*New Community*" Rulemaking), the Commission held that provision of first local service is the highest of [the] allotment priorities which remains in any significant degree unsatisfied.<sup>3</sup> The allocation to Naylor would permit Naylor to receive its first local aural channel.

In addition, as is evidenced in the attached Engineering Statement of R. Lee Wheeler, allocation of Channel 260A to Naylor can be accomplished in accordance with the requirements of Section 73.207 of the Commission's Rules from the coordinates listed for Naylor in the *National Atlas of the United States of America*.<sup>4</sup>

## **III. CONCLUSION.**

The above facts thus demonstrate that the Commission's allocation criteria would be better served by the allocation of Channel

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<sup>3</sup> See *New Community* Rulemaking, 5 FCC Rcd at 7097 (1990).

<sup>4</sup> See *Exhibit A - Engineering Study* at 1; see also *Petition for Rulemaking* at 2.

260A to Naylor, Missouri, as such allocation would provide that community with its first local aural transmission. Accordingly, BBC respectfully requests that the Table of FM Allotments be amended as follows:

City	Present Allotment	Proposed Allotment
Naylor, Missouri	-----	260 A

Respectfully submitted,

**B.B.C. Inc.**

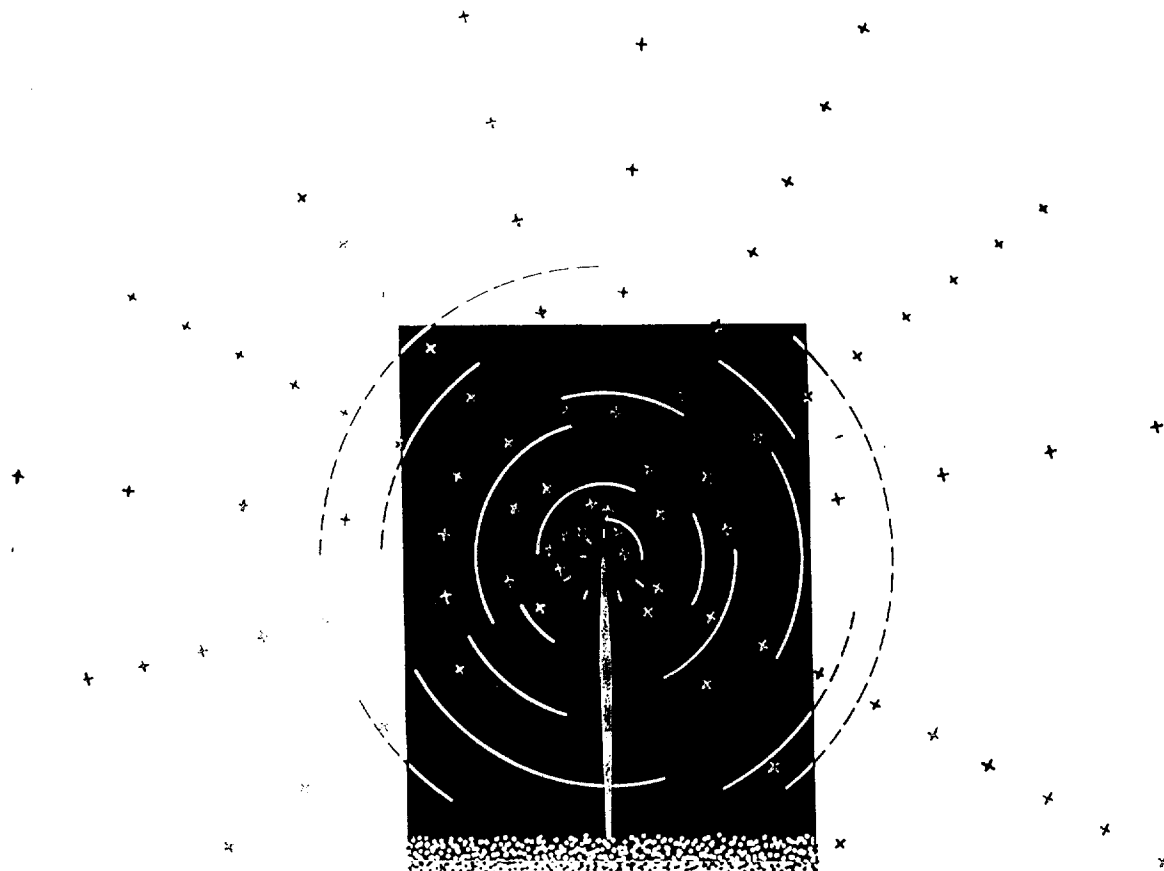
By: 

John M. Pelkey  
Rafael G. Prohias

Its Attorneys

**HALEY BADER & POTTS P.L.C.**  
Suite 900, 4350 North Fairfax Drive  
Arlington, VA 22203-1633  
703/841-0606  
September 2, 1997

**Exhibit A**  
**Engineering Study**



# WHEELER BROADCAST CONSULTING

***BBC, Inc.***

Petition for Rulemaking

Petition to:

Amend 47 CFR 73.202(b)  
Allocate a New Commercial FM Broadcast Station  
Channel 260 A  
Naylor, Missouri

February - 1997



# WHEELER BROADCAST CONSULTING

## *Engineering Study*

### *Proposed Rulemaking Channel 260A - Naylor, Missouri*

This consultant has been retained by BBC, Inc. for the purpose of preparing an engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 260 A to Naylor, Missouri as its first aural service.

At the request of BBC, Inc., this consultant performed a full commercial channel search of the Commission's February 7, 1997 FM database in order to determine the availability of a FM channel for allocation to Naylor. The study revealed that Channel 260 A can be allocated, in full compliance with the provisions of 47 CFR 73.207, to Naylor, Missouri with no site restriction. A copy of the spacing study is included in this report as Exhibit 1.

The coordinates of Naylor, MO are listed in the National Atlas of the United States of America as follows:

36° 34' 26" N. Latitude  
90° 36' 19" W. Longitude

6025 MARTWAY  
SUITE 112  
MISSION, KS 66202  
913.362.7282  
913.362.7287

The proposed Channel 260 A operation would meet all requirements of 47 CFR 73.207 from the Naylor reference coordinates and they are also suitable as allocation reference coordinates. Exhibit 2 of this report is a digitally generated map, generated from USGS and NGDC data, which indicates that the predicted 70 dbu contour from a 6 kW at 100 meter HAAT reference facility would be in full compliance with the principal community coverage requirements of 47 CFR 73.315



### Naylor, Missouri

Naylor is an incorporated city located in Ripley County, Missouri. The population of the city of Naylor is 642 persons according to the 1990 US Census. Naylor is a growing city that has experienced a 6.6% growth in population between 1980 and 1990. Population estimates as provided by the Missouri Office of Administration in the Missouri Subcounty Population Estimates place the 1995 population at 682 persons, an additional 6.2% in growth. Naylor has a Mayor and City Council form of municipal government. Naylor provides protection to its citizens through a municipal police department and a volunteer fire department. Naylor has a school that serves grades K through 12 and it maintains a municipal library. Naylor has a post office with its own zip code, 63953.

### Conclusion

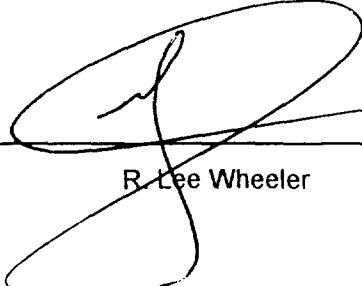
Naylor is a growing city deserving of its first FM service and the proposal set forth by BBC, Inc. will provide that service. In light of the above facts, this proposal is clearly in the public interest and it is respectfully requested that 47 CFR 73.202(b) be amended as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Naylor, MO	-----	260 A

### Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

2/14/97  
Date

  
R. Lee Wheeler

WHEELER BROADCAST CONSULTING  
6025 Martway - Suite 112 - Mission KS 66202

BBC, Inc.  
Naylor, Missouri

REFERENCE	CLASS A	DISPLAY DATES
36 34 26 N		DATA 02-07-97
90 36 19 W	Current rules spacings	SEARCH 02-14-97
----- CHANNEL 260 - 99.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
WMC FM	259C	Memphis	TN	157.3	168.72	165.0	3.72
LI CN	35 10 13	89 53 12	36.000 kW	81M	104.9	102.6	
					ELCOM of Memphis, Inc. BLH841127KX		
WMC FM	259C	Memphis	TN	157.3	168.83	165.0	3.83
LI EY	35 10 09	89 53 12	300.000 kW	277M	104.9	102.6	
					ELCOM of Memphis, Inc. BMLH870507KC		
>GRANDFATHERED @ 300KW AND 277M HAAT							
WASL.C	261C2	Dyersburg	TN	117.4	113.36	106.0	7.36
CP CN	36 06 00	89 29 12	26.000 kW	206M	70.4	65.9	
					Dr. Pepper Pepsi-Cola Bottlin BPH900920IB 920618		
>From channel 261A per D87-563							
KWCKFM	260C2	Searcy	AR	224.3	174.00	166.0	8.00
LI CN	35 26 50	91 56 52	50.000 kW	150M	108.1	103.2	
					Class, Inc. BLH900914KC		
WOOZFM	260B	Harrisburg	IL	52.6	192.76	178.0	14.76
LI CN	37 36 45	88 52 03	32.000 kW	189M	119.8	110.6	
					Zimmer Communications, Inc. BLH820908BF		
KDEZ.C	263C2	Jonesboro	AR	186.1	74.37	55.0	19.37
CP CN	35 54 27	90 41 38	26.000 kW	127M	46.2	34.2	
					Pressly Partnership Productio BMPH950316IB 960107		
>From channel 262A per D92-87							
KDEZ	262A	Jonesboro	AR	187.9	80.56	31.0	49.56
LI CN	35 51 17	90 43 40	3.000 kW	70M	50.1	19.3	
					Pressly Partnership Productio BMLH910605KA		
>*To channel 263C2 Per D92-87							
WASL	261A	Dyersburg	TN	117.0	121.97	72.0	49.97
LI CN	36 04 14	89 23 52	3.000 kW	91M	75.8	44.8	
					Dr. Pepper Pepsi-Cola Bottlin BLH880602KB		
>*To channel 261C2 per D87-563							

